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SUBJECT: AUSTRALIA'S FIFTH ANNUAL ANTI-TRAFFICKING IN
PERSONS (TIP) REPORT

REF: A) 04 STATE 273089; B) 04 CANBERRA 702

11. (SBU) SUMMARY: Australia remains a destination country for Southeast Asian women trafficked for prostitution. Many of these women travel to Australia voluntarily to work in both legal and illegal brothels but can be deceived or coerced into debt bondage or sexual servitude.

The Government of Australia fully complies with the minimum standards for the elimination of trafficking. Its Commonwealth Action Plan to Eradicate Trafficking in Persons, launched in October 2003, provides substantial financial and personnel resources to combat the problem both domestically and internationally. The development of further legislation meant to comprehensively criminalize aspects of trafficking, increase prosecutions, and enhance victim assistance was among the many positive steps taken by the Australian Government in 2004.

Prosecution

The Government prosecutes trafficking offenses under various statutes including provisions in the Commonwealth Criminal Code, the Federal Crimes Act, and the Migration Act. In the twelve months to December 31, 2004, the Australian Federal Police (AFP) received 44 referrals from government and non-government sources; 38 of these cases were accepted for investigation during the year, while three were later rejected and one was terminated. As of January 31, there were 14 suspected traffickers being tried in five cases involving 24 alleged trafficking victims. The Australian Federal Police's 23-member Transnational Sexual Exploitation and Trafficking (TSET) rapid-response team is charged with making the initial assessment of whether a person is a trafficking victim. The TSET is specifically dedicated to investigating cases throughout the country. The AFP uses electronic surveillance, undercover operations, plea-bargaining and other enforcement techniques to investigate traffickers.

In March 2005, the Parliament is expected to pass a new anti-trafficking law, which will comprehensively outlaw trafficking offenses and enable Australia to ratify later this year the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (SEPTEL by April 1).

Under Australian law it is an offense for Australian citizens and residents to travel abroad to engage in sex with minors less than 16 years of age. Since its adoption in 1994, 13 persons have been convicted under this law, which carries a maximum sentence of 17 years. Penalties for other trafficking offenses are as high as 20 to 25 years.

Protection

The Government took significant steps in 2004 to improve efforts by police and immigration authorities to distinguish trafficking victims from illegal migrants and to provide prompt assistance to those victims, including counseling and temporary shelter. The Australian Government made determined efforts to identify and elicit the cooperation of trafficking victims in providing criminal evidence for the prosecution of traffickers. The Government's streamlined police investigation and immigration referral procedures have seen immigration authorities dramatically increase the number of suspected trafficking victims it refers to the AFP for trafficking assessment and visa determinations. Immigration authorities have granted 29 bridging visas to trafficked victims. Such cooperating victims are eligible for social security benefits, housing, medical checkups and treatment, legal assistance, social support and vocational training.

Prevention

The Government of Australia in 2004 continued to expand its efforts to prevent new incidents of trafficking, largely through closer coordination with neighboring countries to prevent and investigate trafficking. During 2004 Australia increased its aid commitment to the International Organization of Migration (IOM) to help finance a project for the return and reintegration of trafficked and other vulnerable persons in the region. The Government also funded awareness campaigns in source countries, in addition to programs designed to sensitize the tourism industry to the child sex tourism problem. Australia has worked to raise the profile of trafficking issues in the region through its leadership

role in the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. Within Australia, the Government started an awareness campaign targeting the sex industry and the community at large; it also widely publicizes criminal cases against traffickers. Australia sought the cooperation of foreign governments in the local prosecution of Australian pedophiles or their extradition or deportation to Australia to face justice for the extra-territorial offense of sexual exploitation of a minor.

The Australian Government has continued to demonstrate regional leadership in combating trafficking in persons. It has provided foreign aid to strengthen the capacity of regional police forces to investigate trafficking cases, supported legal education programs to assist regional lawmakers in improving their capacity to prosecute traffickers, and funded reintegration programs for trafficked women. Australia also promoted awareness of the region's TIP problem by co-hosting with Indonesia the regional Bali conference. END SUMMARY.

12. (U) Per reftel, Para 5 begins Mission Australia's submission to the fourth annual Anti-Trafficking In Persons (TIP) Report.

13. (U) Embassy's point of contact on TIP issues is Labor Specialist Justin McEvoy, Ph: 61-2-6214-5865, Fax: 61-2-6214-5936, E-Mail: Mcevoyjp@state.gov. FSO point of contact is Brett Mattei, Ph: 61-2-6214-5883, Fax: 61-2-6214-5816, E-Mail: MatteiBD@state.gov.

14. (U) Per reftel request, Mission Australia has spent a total of 419 work hours researching trafficking issues and meeting with trafficking contacts over the past year in preparation for this TIP report. This total includes the following hours:

20 hours at the MC level
5 hours at the OC level
40 hours spent by one officer at the 01 level
96 hours spent by one officer at the 02 level
20 hours spent by one officer at the 04 level
and 240 hours spent by one FSN at the FSN-11 level

15. (SBU) PART 1: OVERVIEW

Australia remains a destination country for an indeterminate number of women, overwhelmingly from Thailand, trafficked for sexual servitude.

Estimates of Australia's trafficking problem continue to vary considerably, ranging from 20 to over 1,000 sex trafficking victims per year. Government officials insist that the size of Australia's trafficking problem (incorporating cases of slavery, sexual servitude, and deceptive recruiting to sexual servitude) continues to fall well below the TIP report's threshold of 100 cases. After 34 full investigations, the Australian Federal Police (AFP) determined that there were 20 trafficking victims during 2004. Over the same period, the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) referred 99 persons to the AFP for evaluation as suspected trafficking victims and subsequently issued 29 visas to women after the police secured the women's agreement to assist with prosecutions. As of January 31, 2005 the government was prosecuting 14 traffickers in five court cases involving 24 alleged trafficking victims. In 2003, the Australian Crime Commission (ACC) undertook a criminal intelligence assessment of slavery and sexual servitude cases in Australia from July 1, 2002 to June 30, 2003 (Ref B); of the five methods it used to estimate the scope of the problem, it found that the annual number of victims may be "as high as nearly 180" after accounting for underreporting.

During 2004, the local anti-trafficking NGO Project Respect (PR) again stated that 1,000 trafficked victims are brought to Australia each year; however, this estimate is unreliable and uncorroborated, and it was not derived via a social science methodology. [PR's methodology is discussed in detail below.] The 2003-04 parliamentary inquiry into the Government's response to sex trafficking was unable to settle on the scope of the problem; however, it determined that a "relatively small" number among an estimated 300 foreign women who travel to Australia for legal and illegal sex work each year were subjected to sexual servitude.

Local NGO Child Wise, formerly End Child Prostitution and Trafficking Australia, reported no cases of foreign children being trafficked to Australia or child prostitutes being transported across state borders in 2004. Child Wise alleged an increase in the pimp-controlled prostitution of Australians less than 18 years of age, but would not offer an estimate on the scope of the problem. In November, a former New South Wales (NSW) brothel owner was sentenced to four years imprisonment for employing two Australian girls, aged 13 and 14.

Australia's umbrella labor organization, the Australian Council of Trade Unions (ACTU), actively monitors suspected labor trafficking cases through their national network of affiliated unions. The ACTU reported no cases of labor exploitation akin to trafficking.

While trafficked women come overwhelmingly from Thailand, Australian authorities have located suspected trafficking victims from the Philippines, Taiwan, Indonesia, Laos, Malaysia, China, Hong Kong SAR, South Korea, Burma, the Congo, Sierra Leone, Colombia, and Uzbekistan. Twenty-three of the 29 bridging visas DIMIA granted in 2004 went to Thai women. Post found no evidence of persons being trafficked from Australia.

Authorities believe that Australian trafficking networks are primarily composed of individual operators or opportunistic crime groups that take advantage of existing organized crime structures overseas to procure fraudulent but high-quality travel documents for the women.

An NGO promoting sexual health, including among prostitutes, reported that increased immigration compliance raids of brothels since 2002 had reduced the number of foreign contract sex workers, the group considered most at risk of being trafficked; however, post could not substantiate this claim. The NGO also reported that the debt holders had loosened the restrictions the women faced, but had increased the contract debt. The AFP and the government-contracted Victims of Trafficking Care (VOTCare) program manager, Southern Edge Training (SET), independently confirmed these claims. The AFP reported that the women were now encumbered with a larger debt averaging \$46,800 (A60,000). SET reported that the women were now receiving a partial payment for their work, rather than not receiving any payment before the "contract debt" was paid off.

According to SET, the women were required to perform approximately 14 client services per day, equivalent to 7 hours work, and complained about the pressure they felt having to accept clients that they did not want to service. However, evidence contained in Project Respect's March 2004 report into sex trafficking in Australia cited cases where an alleged trafficked victim saw as few as two clients per day. SET also reported that generally other people still "looked after" the women's passports, while the sexual health promotion NGO said that the confiscation of passports had become less prevalent. The AFP reported that Thailand continued to be the primary source country of the foreign sex workers on debt contracts; however, they had found increasing numbers of South Korean women in Sydney, Melbourne and Brisbane's karaoke clubs and massage parlors, and that the Korean women were less willing to talk about their experiences. The AFP further reported that Korean and Thai women faced different debt contracts, because many Korean women could more easily enter and work in Australia while criminal organizations were required to facilitate the entry of most Thai women. NGO Project Respect reported an increase in South Korean women, some of whom the NGO believed were entering Australia on student visas which allowed the visa holder to work lawfully for up to 20 hours per week.

For many years, the domestic anti-trafficking NGO Project Respect has claimed that 1,000 victims are trafficked to Australia for prostitution each year. The NGO came to this estimate by multiplying DIMIA's count of prostitutes expelled from Australia for immigration violations in a given year by 10. In March 2004, PR released their report "One Victim of Trafficking is One Too Many: Counting the Human Cost of Trafficking," which was prepared with the assistance of the U.S.-based Shared Hope International. The PR report presented information on some 280 suspected trafficking victims collected over five years (on average, 57 victims per year). The report cited 58 specific cases (some involving multiple victims), but many of these cases were gleaned from second and third hand reporting. PR's report contained several weaknesses, including the failure to define a trafficked victim and to ensure that cases were not double-counted. SET, which has over five years experience training female prostitutes and prisoners in other forms of employment, dismissed PR's estimate of the problem as "unbelievable" and over 10 times higher than their data set would support.

In 2003, the ACC together with other federal agencies compiled a classified criminological assessment on the nature and future of trafficking in persons to Australia for sexual exploitation. The ACC's classified report was not released publicly; however, post received a close-hold (non-releasable SBU-equivalent) copy of the report's executive summary in April 2004 (Ref B). The Commission's research identified 37 sexual servitude cases between July 2002 and June 2003, and estimated that the annual number of victims "may be as high as nearly 180" after accounting for underreporting.

In June 2004, a federal parliamentary committee issued a report on its year-long inquiry into the national criminal intelligence agency's response to sex trafficking and the adequacy of federal anti-trafficking laws. The report recommended that the Government broaden the criminal code to include non-sexual forms of compulsory labor in the definition of trafficking and hasten its ratification of the U.N.'s trafficking protocol. The report noted wide variations in NGO estimates of the number of trafficked women; while it was unable to provide definitive numbers, the report estimated that a "relatively small" number among an estimated 300 women who travel to the country for work in the sex industry each year were subjected to sexual servitude. In response to the report, the Government restated its commitment to

eradicate sex trafficking and take action on the report's recommendations.

Limited, mostly anecdotal evidence is available about the end-point working conditions for "contract sex workers" in Australia and the degree to which they are subjected to involuntary servitude. NGO reports continue to generally substantiate Brockett and Murray's 1994 assessment of contract sex workers working conditions. Their report noted: "Once in Sydney, the women might not make as much money as they expected, and may become entangled in further debts and extortion so that they have to keep working. Occasionally, women are physically forced to keep working and have little freedom to move beyond the parlour setting on their own; or they are moved from parlour to parlour to maximise profitability. When tickets and passports with visas are taken away they have no bargaining power."

In 1996, DIMIA published its "Report into the Trafficking of Women into Australian Sex Industry," which recorded allegations of restrictions on liberty for undocumented workers in the sex industry and pressures on them to accept demands from clients to engage in unsafe sexual practices. It noted that brothel owners often held their passports as security for the debt, and contract workers were unable to freely access or control the money they earned until they departed Australia at the end of their contracts. However, a Sydney-based NGO promoting sexual health told us in 2002 that these reports exaggerated the extent of coercive behavior in the industry. The NGO employs two bilingual outreach workers with sex work experience who visit brothels regularly to educate sex workers about sexual health and legal issues. The NGO's director acknowledged that some women might have to work specific hours or perform a certain number of acts per week. She said that some women might also be required to have "minders" when they go on an outing or shopping. The NGO claimed that the women readily make themselves available outside normal working hours because the more they work, the faster their debt is reduced and the sooner they start earning money for themselves. During the past five years, the NGO had encountered ten women who complained about their treatment and sought assistance to exit their contracts.

The Australian Government's October 2003 announcement of a \$15 million (A20 million) Commonwealth Action Plan to Eradicate Trafficking in Persons, with contributions from five GOA ministries, demonstrated the considerable political support that exists in Australia to combat trafficking in persons. In addition to this financial commitment, spread over four years, the GOA has undertaken other measures to eradicate trafficking in persons for sexual servitude.

Prevention

As a destination country for smuggled and trafficked people, Australia has taken on a regional leadership role to eradicate the smuggling and trafficking of persons. The Australian government continued to fund awareness campaigns in source countries, as well as programs designed to sensitize the tourism industry to the child sex tourism problem. It has also worked to raise the profile of trafficking issues in the region through its leadership role in the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. During 2004, Australia increased its aid commitment to the International Organization of Migration to help finance a project for the return and reintegration of trafficked and other vulnerable women and children in the region, and continued its overseas aid commitment to the Asian Regional Initiative Against Trafficking in Women and Children in the Mekong delta region. Within Australia, the government initiated an awareness campaign targeting the sex industry and the community at large; it also widely publicized criminal cases against traffickers. Australia sought the cooperation of foreign governments in the local prosecution of Australian pedophiles or their extradition or deportation to Australia so they could be tried for the extra-territorial offense of sexual exploitation of a minor.

Prosecution

The Government prosecutes trafficking offenses under various statutes, including provisions in the Commonwealth Criminal Code, the Federal Crimes Act, and the Migration Act. In the twelve months to December 31, 2004, the Australian Federal Police (AFP) received 44 referrals from government and non-government sources; 38 of these cases were accepted for investigation during the year, while three were later rejected and one was terminated. As of January 31, there were 14 suspected traffickers facing justice in five cases involving 24 alleged trafficking victims. The Australian Federal Police's 23-member Transnational Sexual Exploitation and Trafficking (TSET) rapid-response team is charged with making the initial assessment of whether a person is a trafficking victim. The TSET is specifically dedicated to investigating cases throughout the country. The AFP uses electronic surveillance, undercover operations, plea-bargaining and other enforcement techniques to investigate traffickers.

In 2004, sexual servitude, slavery, people smuggling, and child sex tourism crimes were included as serious offenses in the Federal Proceeds of Crime Act of 2002, which allows for the forfeiture of assets of those found guilty.

Protection

The Australian Government took significant steps in 2004 to improve efforts by police and immigration authorities to distinguish trafficking victims from illegal migrants and provide prompt assistance to those victims, including counseling and temporary shelter. The Government made determined efforts to identify and elicit the cooperation of trafficking victims in providing criminal evidence for the prosecution of traffickers. The Australian Government's streamlined police investigation and immigration referral procedures have seen immigration authorities dramatically increase the number of suspected trafficking victims it refers to the AFP for trafficking assessment and visa determinations. Immigration authorities have granted 29 bridging visas to trafficked victims. Cooperative victims are eligible for social security benefits, housing, medical checkups and treatment, legal assistance, social support and vocational training.

There were no reports of federal or state officials who condone or were complicit in trafficking in persons in Australia.

There were no limitations on the Government's ability to address Australia's trafficking problem.

The Inter-departmental Committee (IDC) established by the Government to develop the \$15 million (A20 million) Commonwealth Action Plan to Eradicate Trafficking in Persons continued to monitor its implementation and report on its achievements directly to the Government. To date, the AFP and the Minister for Justice and Customs have publicized the arrests of ten people for sexual servitude offenses. Each of the five ministers involved in the plan's development has publicized achievements in his or her areas of responsibility. In addition, Australia's well-respected anti-trafficking NGOs, an aggressive free press, and active domestic human rights organizations have ensured that the plan's accomplishments and shortcomings are subjected to public scrutiny. The Government has promoted its regional anti-trafficking and anti-smuggling efforts through its co-hosting of the yearly Regional Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime, also known as the "Bali Conference."

The six state and two territory governments regulate prostitution. The states and territories have adopted a range of approaches to the regulation of prostitution, including full prohibition, criminalization, decriminalization, and partial legalization. The State of South Australia comprehensively criminalizes prostitution, including the act of prostitution. Both Tasmanian and Western Australian (WA) law criminalizes activities surrounding prostitution; however, since 1975, the WA sex industry has operated with informal police acceptance underpinned by an unwritten containment policy. Australia's most populous state, New South Wales, decriminalized prostitution, effectively transferring regulatory control of brothels and street prostitution to local planning authorities, in 1995. The remaining states and territories - Victoria, Queensland, the Northern Territory (NT), and the Australian Capital Territory (ACT) - have all adopted various forms of partial legalization, which regulate some form of commercial business. Victoria, Queensland and the ACT license brothels; the NT licenses escort agencies. Apart from South Australia, women who engage in prostitution are generally not subjected to criminal penalty. Across all jurisdictions, the legal minimum age of a prostitute is 18 years old.

There were no reports of the practice of buying or selling child brides during the year.

16. (SBU) PART 2: PREVENTION

The Government has acknowledged that people trafficking occurs in Australia, although it believes that the scope of the problem is small. The Australian Federal Police (AFP) confirmed the existence of 20 trafficking victims in 2004.

The principal government agencies involved in Australia's anti-trafficking and victim support efforts are the Departments of the Attorney General, Foreign Affairs and Trade, Immigration and Multicultural and Indigenous Affairs, Family and Community Services, and Justice and Customs. The Attorney General's Department oversees the Government's interdepartmental committee on people trafficking. Australia continued to demonstrate regional leadership in fighting people trafficking by co-sponsoring, with Indonesia, regional activities under the auspices of the annual "Bali Conference." Immigration officials identify suspected trafficking victims in many industries through regular compliance and document checks of foreign workers in businesses susceptible to harboring trafficking victims. The Government's specialist anti-trafficking unit, the AFP's TSET team, deploys a rapid response unit to situations where trafficking is suspected. TSET, rather than DIMIA immigration compliance officers, is

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responsible for determining whether a person is a trafficking victim.

Several other government agencies are involved in Australia's

coordinated campaign to eradicate people trafficking. The AFP and the Director of Public Prosecutions, partner agencies of the Justice and Customs Department, cooperate on trafficking investigations and prosecutions. The Foreign Affairs Department's partner agency, the Australian Agency for International Development (AusAID), works with South-East Asian partners to combat trafficking and child sex tourism and funds several aid programs that promote regional cooperation to combat trafficking. The Australian Crime Commission is responsible for the collection and analysis of future trends in crime, including organized crime in Australia. The Australian Transactions Reports and Analysis Center (AUSTRAC) investigates monetary flows from Australia's sex industry.

The Government set aside \$460,000 (A630,000) for a multi-year community awareness project about trafficking. The project has two separate programs: the first targets awareness of sex trafficking among workers in the legal sex industry, while the second focuses on improving community awareness of the problem. The goals of both campaigns are to help identify suspected victims and traffickers and to improve reporting to the relevant authorities for further investigation. The project also raises awareness about the range of victim support measures to encourage victims themselves to come forward. The project was carefully designed in close consultation with the sex industry, outreach and advocacy organizations, service providers and professionals in the community health and welfare sector, and the media. The strategy comprises four stages over four years at a total cost of \$0.4 million from the Government's overall \$20 million package of anti-trafficking initiatives announced in 2003. The tender process for stage one (exploratory and developmental research) is now under way. The successful tenderer will be assisted by a specialist project advisory group and will be required to directly consult and liaise closely with key non-government organizations.

Separately, immigration officials and the NGO Project Respect distributed information brochures, which were jointly drafted, to brothels, informing women about their rights, as well as the resources available to victims of trafficking. The brochures were written in Indonesian, Chinese, and Thai, as well as English.

The Australian Government funds trafficking prevention programs in source countries through its overseas aid agency, AusAID. Australia's principal anti-trafficking project is the three-year \$6.2 million (A8.5 million) Asian Regional Cooperation to Prevent People Trafficking project, which has established specialist anti-trafficking law enforcement units and developed prosecutorial capabilities in Thailand, Laos, Burma and Cambodia. AusAID has also funded the domestic NGO Child Wise (formerly End Child Prostitution in Asian Tourism) with a US\$276,000 grant to educate Southeast Asian tourism industry staff about protecting children from sexual exploitation.

The Government's national action plan on trafficking consulted widely with many of the same NGOs and academics who wrote submissions to the Parliamentary inquiry into Australia's handling of women trafficked into Sexual Servitude (the complete list of parties can be found at http://www.aph.gov.au/Senate/committee/acc_ct_te/completed_inquiries/2002-04/sexual_servitude/submissions/sublist.htm.) All elements of Australia's civil society have shown a strong interest in trafficking issues, particularly sex trafficking. The GOA responds promptly to and investigates effectively any reports of trafficking from the country's aggressive and independent media and NGOs.

Australia's border control agencies, DIMIA and the Australian Customs Service (ACS), have one of the world's most advanced border monitoring information systems, which tracks both ingoing and outgoing passenger movements. Officials check the bona fides of all passengers entering Australia to detect illegal entrants and trafficked or smuggled persons. Immigration officials monitor the number of in-country requests for asylum, and inspect legal and suspected illegal brothels regularly to identify suspected trafficking victims and their countries of origin as well as evidence of visa malfeasance. If immigration officials detect any grounds for suspicion that a person may have been trafficked, they are obliged to refer the suspected victim immediately to the AFP. Law enforcement agencies respond rapidly to evidence of trafficking; the AFP's 23-member TSET Team is available to DIMIA at short notice to assess evidence that may point to a suspected trafficking victim. The Government also conducts outreach programs to many of its regional neighbors to enhance border security, through the AFP's law enforcement development program and immigration cooperation.

Australia has taken a whole-of-government approach to eradicating trafficking in persons. In 2003, the Australian Government established an interdepartmental committee to develop the Government's Action Plan to Eradicate Trafficking in Persons, and this committee continues to coordinate the government's anti-trafficking efforts. Police and government agencies have effective internal affairs units or inspectors general who investigate reports of improper behavior or malfeasance.

Australia leads regional efforts to prevent, monitor, and control

anti-trafficking efforts through its sponsorship and co-chairing of the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Transnational Crime, also known as the "Bali Conference."

In 2003, the GOA launched its four-year \$15 million (A\$20 million) Government's Action Plan to Eradicate Trafficking in Persons for Sexual Exploitation (see <http://www.ag.gov.au/agd/www/Agdhome.nsf/Page/RWPA835B403668897F6CA256EB000F7264?OpenDocument>.) The plan has already significantly enhanced the detection, investigation, and prosecution of traffickers, and improved support services to victims.

Australia's Ambassador for People Smuggling Issues within DFAT is responsible for promoting effective, practical international cooperation to combat trafficking in persons, particularly in the Asia-Pacific region.

17. (SBU) PART 3: PROSECUTION

Australia's laws adequately cover the full scope of trafficking offences. The Federal Government's primary anti-trafficking law is the Slavery and Sexual Servitude Act of 1999. It amended the Commonwealth Criminal Code to criminalize slavery, sexual servitude (including exercising control or direction over, or providing finance for, any act of slavery,) and deceptive recruiting for sexual services. In 2002, the Government specifically criminalized the smuggling of a person into Australia with the intention of subjecting the smuggled person to sexual servitude, slavery, or forced labor. The Government unveiled a new trafficking bill in mid-2004, which followed from the review it announced as part of the national action plan. The new bill would create many new offences, including where the trafficker transports a victim using force, threats or deception (proposed maximum penalty: 12 years imprisonment), trafficking in children (proposed maximum penalty: 20 years imprisonment), domestic trafficking to ensure that every person in the chain of exploitation can be prosecuted for participating (proposed maximum penalty: 12 years imprisonment), and exploitative employment contracts or debt bondage (proposed maximum penalty: 12 years imprisonment). Parliament is expected to enact the new law in March 2005.

State and territory laws govern domestic crimes, such as internal trafficking. The AFP reported that state anti-trafficking laws complement the Federal law. Four of Australia's six states and two territories -- New South Wales, Victoria, South Australia, Western Australia (2004), the Northern Territory, and the Australian Capital Territory -- have laws that specifically criminalize sexual servitude. The other three states (Tasmania and Queensland) could prosecute internal trafficking cases under other laws covering unlawful confinement and compelling a person to engage in sexual behavior, or under Federal anti-trafficking laws by reference.

Penalties for people trafficking are severe. Under Federal law, slavery carries a maximum penalty of 25 years' imprisonment, sexual servitude attracts a maximum penalty of 15 years' imprisonment (19 years' imprisonment in the case of persons under 18 years), and deceptive recruitment for sexual services carries a maximum penalty of seven years' imprisonment (9 years' imprisonment in the case of persons under 18 years). People smuggling for the purposes of exploitation carries a maximum penalty of 20 years' imprisonment under Federal law.

The maximum penalty for trafficking offenses is higher than the separate state and territory laws covering rape and sexual assault. Rape (or crimes corresponding to the common law offense of rape) carry penalties ranging from 12 years to life under separate laws of Australian states and territories. Sexual assault offenses carry penalties ranging from 7 to 21 years imprisonment. Slavery and sexual servitude offenses are all characterized by the Federal Proceeds of Crime Act 2002 as serious offenses for which persons convicted can be required to forfeit all their property.

During the 2004 calendar year, the AFP received 44 referrals from government and non-government sources; 38 of these cases were accepted for investigation, while three were later rejected and one was terminated. As of January 31 2005, 14 persons were facing prosecution in five separate cases involving 24 alleged trafficking victims. The courts had not yet issued any sentences.

Australian authorities believe that trafficking networks are primarily composed of individual operators, or opportunistic crime groups that often rely on organized crime to procure fraudulent, but high-quality travel documents for trafficked persons. Researchers and NGO sources indicate that profits from the work of foreign contract prostitutes, some of whom may be trafficked, are split among a network of brokers who bring the contract sex workers to Australia, and the owners of brothels where they work. The same sources say that once a foreign contract sex worker has paid her debt, she generally gets to keep 60 percent of the subsequent revenue from her work until her contract period is finished, which is the revenue less the cost of food and lodgings.

Government law enforcement agents actively investigate cases of suspected trafficking. AFP officers use all law enforcement techniques at their disposal to combat trafficking, including electronic surveillance and telecommunication interception, undercover operations, and mitigated punishment or immunity for cooperating suspects.

The AFP has trained twenty-five special TSET investigators in interviewing suspected trafficking victims. DIMIA's compliance officer training program ensures that its enforcement agents identify possible signs of trafficking and automatically refer possible trafficking cases to the AFP TSET team for evaluation. Federal and state agencies involved in immigration matters are specially trained to recognize trafficking and elicit information from witnesses or illegal immigrants that might point to trafficking cases. DIMIA has posted a Senior Compliance Officer in Thailand (under the government's national action plan) to work with local officials and NGOs on joint investigations of traffickers and trafficking syndicates. Immigration officials at posts and special Airport Liaison Officers (ALOs) are trained to spot potential trafficking victims when they apply for visas or transit through international airports. They also serve as primary contacts on immigration-related matters with foreign immigration and law enforcement agencies, foreign NGOs, and aid organizations. The NGO Child Wise (formerly ECPAT), with government sponsorship, has developed posters and training programs for consular and immigration officers that emphasize indicators of child trafficking.

The Federal Government has worked closely with its regional neighbors to prevent and investigate both people smuggling and trafficking. These cooperative efforts include funding overseas immigration and police liaison officers, training foreign police in investigative techniques, and facilitating regional conferences to coordinate measures against people trafficking.

Australia has bilateral extradition treaties with many countries that would enable it to extradite persons, including its own nationals, who have been charged with trafficking offences in other countries.

The Government, at all levels, has zero tolerance for any involvement in or support for trafficking in persons or people smuggling. Post unearthed no indications that any government officials were involved in trafficking on a local or institutional level.

In 1994 Australia enacted the Child Sex Tourism Act, which made it an offense for Australian citizens and residents who travel overseas to engage in sexual activity with children under the age of 16 years. It provides for a maximum sentence of 17 years' imprisonment upon conviction. Since 1994, 19 persons have been charged under the act; as of December 10, there were 13 convictions, 3 dismissals, and 3 ongoing cases.

Although Australia has not yet ratified ILO Convention 182 on the Elimination Of The Worst Forms Of Child Labor, it complies with ILO 182 in practice and has declared its intention to ratify the treaty after its states amend their laws to bring them into compliance. Australia has ratified ILO Conventions 29 and 105. Australia signed, but has yet to ratify, both the Optional Protocol to the child rights Convention on the Sale of Children, Child Prostitution, and Child Pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

18. (SBU) PART 4: PROTECTION

Australia provides a comprehensive trafficking victim protection package that includes relief from deportation, a special trafficking victim visa regime, and a tailored social services case management program. The Government's Victims of Trafficking Care (VOTCare) program has assisted 37 people since mid-2004. In February 2005, 22 women were receiving program assistance.

The Government's VOTCare package comprises two phases:

Phase 1 extends for a maximum of 30 days and is triggered after the person has been assessed as being a victim or a suspected victim of trafficking offenses and of interest to the police for the investigation or prosecution of a trafficking offense. The suspected victim is given a 30-day visa (the Bridging Visa, Type "F"), which, once granted, entitles them to access the victim support program. The victim assistance package provides a flexible and tailored package of benefits through individual case management. The benefits include immediate medical and pharmaceutical treatment and counseling, private short-term hotel accommodation and an ongoing food and living allowance, access to English language training, and up to three appointments with a legal practitioner.

Inclusion in the second phase of the program depends on whether the AFP has established that the victim can and will assist in the prosecution of traffickers. At that stage, the police ask DIMIA to grant the victim a Criminal Justice Stay visa and a different range of support measures come into effect. As such, the victim support package is driven by the visa regime. The victim can

access a special government payment (approximately \$10,000 (A12,600) per year including rent assistance, which is set at the same level as the government-funded unemployment benefit), and continue to have no-cost access to medical, pharmaceutical, counseling and training assistance. Women may work lawfully while under Phase 2 of the program. A case manager assists victims in finding vocational training and AFP certified private accommodation.

In 2004, Australia introduced a new witness protection (trafficking) visa. This visa acknowledges the risks faced by victims and witnesses who assist in the investigation of trafficking offenders, and allows them to remain in Australia on a temporary or permanent basis. The victim qualifies for this visa by providing substantial assistance in the prosecution of a case, regardless of whether a court case progresses. No victims or witnesses have yet been granted a witness protection (trafficking) visa, as none of Australia's trafficking cases have been concluded in the courts.

Following a national public tender process, the Government awarded the contract for providing case management victim support to a private company, Southern Edge Training (SET). State and local governments fund NGOs that provide women's hostels and sexual health outreach services to prostitutes and refer workers to immigration and counseling services. In addition, the Government's aid agency, AusAID, continues to fund NGOs through projects to assist victims in Southeast Asia, as noted above.

For many years, the DIMIA and the AFP have had a formal agreement on the investigation and referral of suspected trafficking victims. These arrangements were reviewed in 2003 and new arrangements, whereby DIMIA agreed to immediately refer every suspected trafficking victim to the AFP regardless of whether they detected elements of sexual servitude offences, started in January 2004. The new arrangements directly addressed NGO allegations that DIMIA had summarily deported trafficking victims. Immigration officers referred significantly more persons to the AFP under these new arrangements in 2004. Between 1999 and 2004 (inclusive), DIMIA referred 133 suspected trafficking victims to the AFP. DIMIA referred 99 suspected victims to the AFP in the 2004 calendar year. After investigating the referred cases, the AFP's TSET determined that 20 of the persons referred by DIMIA were indeed victims of trafficking in 2004.

All persons who are in breach of Australia's immigration laws ("unlawful non-citizens" or UNC) are subject to immediate detention by immigration officers. DIMIA detains unlawful non-citizens who are suspected of being trafficking victims until the AFP can question them. After the AFP has determined that the victim's case is genuine and the victim has agreed to cooperate with legal action against the trafficker, the AFP advises DIMIA to issue the victim a 30-day bridging visa. After the visa has been issued, the victim is no longer detained. Under the terms of the Government's trafficking victim protection program, the AFP must contact SET within one hour of the AFP requesting that DIMIA issue the victim a bridging visa, type "F", and the SET caseworker must be with the victim within 2 hours of being contacted. DIMIA has issued 29 Bridging Visas since they were introduced on January 1, 2004. Of the 29 bridging visas issued in 2004, 23 were issued to Thai women.

Trafficking victims are neither fined nor prosecuted for violations of migration laws.

While a trafficking victim can file a civil suit and take legal action against traffickers (and can use public legal aid resources to do so), there is no recorded instance of victims pursuing legal redress against traffickers.

The Government has developed a comprehensive, personalized case management program, which is drawn from a "victim-centered, empowerment approach." Victims are provided with police-vetted hotel accommodation and intensive care during the first stage of the program, and later with police-vetted private accommodation that they can personalize and make their home. A trafficking victim's immediate family members who are onshore are incorporated into all aspects of the program, including eligibility for visas.

The Government provides regular, specialized training for law enforcement officials on the identification of trafficking victims and the government's comprehensive victim support program.

In recent years, the NGO Project Respect has emerged as Australia's most prominent campaigner against trafficking. Project Respect undertakes advocacy work and public education programs, and collaborates closely with partners in trafficking "sending countries," particularly in the Asia-Pacific region. PR also works closely and cooperatively with local city governments to identify and report suspected trafficking victims to the police. PR was consulted in the development of the GOA Commonwealth Action Plan to Eradicate Trafficking in Persons.

In Sydney and Melbourne there are other NGOs that have regular contact with Asian prostitutes, who may include trafficking victims. State departments of health also provide free hospital-

based sexual health clinics on a walk-in basis. The clinics offer a range of sexual health services in foreign languages. Their services are granted to everyone, without the need for the client to show evidence of residency rights. There are also outreach services that work in cooperation with these clinics. These services generally have a state or local focus and often receive state funding as part of the Government's public health program aimed at reducing the transmission of sexually transmitted infections. Such NGOs employ bilingual workers to visit brothels, where they provide the workers with individualized education and counseling or provide off-site training on a range of subjects, including sexual health, immigration and taxation issues. These services often have afforded NGO workers a freedom of entry into brothels that enables them to monitor the employment conditions of foreign sex workers. They also maintain good working relationships with local government authorities and often work closely with state government officials on the development of occupational health and safety guidelines for brothels.

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